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Implementation of resolution 71/130 on the situation in the Syrian Arab Republic

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/130, in which the Assembly requested the Secretary-General to report within 45 days on the implementation of the resolution. It provides an update on political, security, humanitarian and human rights aspects of the situation in the Syrian Arab Republic during the period from 9 December 2016 to 25 January 2017. It also contains recommendations on ways and means to protect civilians, as requested in the resolution.

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I. Introduction

1. The overall situation in the Syrian Arab Republic continued to be characterized by armed conflict between the Government, armed opposition groups, Kurdish People's Protection Units (YPG) and Security Council-designated terrorist groups. Parties to the conflict continued to be supported by outside actors, some of which carried out direct military action on the ground, namely Iran (Islamic Republic of), the Russian Federation, Turkey and members of the anti-Islamic State in Iraq and the Levant (ISIL) coalition led by the United States of America, as well as Hizbullah. By the end of December, government military operations, supported by Iranian-backed militias, Hizbullah and the Russian Federation, to retake the eastern parts of the city of Aleppo from armed opposition groups had been completed, as had the evacuation of the remaining members of those groups and civilians wishing to leave with them.

2. The reporting period witnessed increased diplomatic activity, culminating in an agreement between the Russian Federation and Turkey to act as guarantors of a ceasefire, which went into effect on 30 December, and to undertake efforts to organize a meeting in Astana on 23 and 24 January 2017 between representatives of the Government and armed opposition groups. The Special Envoy of the Secretary-General for Syria participated in this effort and also announced his intention to convene intra-Syrian negotiations in Geneva on 8 February.

3. The humanitarian situation remained grave. Humanitarian access by the United Nations and its partners to besieged and hard-to-reach areas remained severely obstructed, predominantly by the Government. December was the worst month of 2016 in terms of humanitarian access to those most in need. More than half a million civilians remained under siege, the overwhelming majority by the Government. Deeply disturbing reports of disregard for international humanitarian law by the parties to the conflict continued to be received.

4. On 21 December, the Security Council received a summary of the findings of the United Nations Headquarters Board of Inquiry into the attack on a United Nations-Syrian Arab Red Crescent relief operation to Urum al-Kubra on 19 September (see S/2016/1093).

5. Reports of the use of banned munitions, especially by the Government, continued to reveal violations of international norms on indiscriminate weapons and the principle of proportionality. The reports included the use of cluster munitions, incendiary phosphorous munitions, barrel bombs, bunker-busting bombs and chemical weapons in densely populated civilian areas. Civilian infrastructure, including hospitals, emergency response facilities and personnel and drinking water, has reportedly been targeted by air strikes by the Government and allied forces. There were also reports of indiscriminate attacks on civilians by the armed opposition, including attacks on civilian infrastructure, such as the shelling of urban areas and an attack on a convoy of empty buses en route to the besieged towns of Fu'ah and Kafraya.

6. The Independent International Commission of Inquiry on the Syrian Arab Republic continued to document violations and abuses of international human rights law and violations of international humanitarian law on the basis of information

collected outside the country, given that, as at the time of writing, the Government continued to deny the Commission access to its territory. On 21 December, by its resolution 71/248, the General Assembly established the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. Pursuant to that resolution, the Assembly has before it a report outlining the terms of reference of the Mechanism, including its mandate, methodology, legal framework and other relevant aspects, in addition to the steps envisaged to ensure its speedy establishment and full functioning (A/71/755). The Mechanism should complement the Commission of Inquiry by applying established investigative and prosecutorial practices, in accordance with international criminal law standards. Careful, systematic compilation of physical and witness evidence should facilitate and expedite the current or future work of national, regional or international courts or tribunals.

II. Implementation of resolution 71/130

7. On 19 December, the Security Council unanimously adopted resolution 2328 (2016), in which it requested the United Nations and other relevant institutions to carry out adequate, neutral monitoring and direct observation of evacuations from the eastern and other districts of Aleppo and demanded that all parties provide the monitors with safe, immediate and unimpeded access. Welcoming the adoption of the resolution, and with the aim of building on the initial momentum generated, the Special Envoy announced on 19 December that the United Nations would reconvene the formal intra-Syrian negotiations mandated by the Council in its resolution 2254 (2015) in Geneva in February 2017.

8. On 29 December, the Russian Federation and Turkey announced that a ceasefire would enter into force on 30 December, to be monitored by a joint Russian-Turkish commission, with checkpoints on the ground. The signing of agreements with the Government and with key armed opposition groups to form delegations to launch negotiations in Astana on a political settlement aimed at a comprehensive resolution of the crisis by peaceful means was also announced. Press statements on the ceasefire, a document describing the mechanism by which violations would be recorded and an agreement on establishing delegations for the meeting in Astana were circulated to the Security Council on 29 December (see S/2016/1133). Lists of those entities that had signed the various documents, and signed copies, were not provided at that time.

9. On 31 December, the Security Council unanimously adopted resolution 2336 (2016), in which it welcomed and expressed support for the efforts by the Russian Federation and Turkey to end the violence and jump-start a political process. It also stressed the importance of the full implementation of all relevant resolutions, in particular resolutions 2254 (2015) and 2268 (2016), and noted that it looked forward to the meeting to be held in Astana, viewing it as an important part of the Syrian-led political process and an important step ahead of the resumption of negotiations under the auspices of the United Nations in Geneva in February 2017.

10. In preparation for the negotiations in February 2017, the Secretary-General wrote to the Presidents of Kazakhstan, the Russian Federation and Turkey on

5 January to express United Nations support for their efforts and to underline the shared goal of preparing the Syrian parties to negotiate genuinely and constructively on the establishment and executive powers of a credible and inclusive governance arrangement that meets the legitimate aspirations of the Syrian people and enables them to independently and democratically determine their own future. Security Council resolution 2254 (2015) and the Geneva Communiqué remain the foundation of and contain the guiding principles for United Nations mediation efforts in this regard.

11. From 11 to 13 January 2017, representatives of armed opposition groups met in Ankara, under the auspices of Turkey, to discuss preparations for the talks in Astana, including proposals for the agenda to be focused on ceasefire consolidation and the formation of a joint delegation. Contacts among officials of the guarantors of the talks were continuing as at the time of writing, including with Syrian and regional interlocutors. While stating the Government's commitment to negotiating any issues in Astana, the President, Bashar Al-Assad, and his senior officials also made public statements during the reporting period to the effect that the State would not relent until it had regained "every last inch" of Syrian territory.

12. The ceasefire regime between the Government and armed opposition groups, which began on 30 December, excludes areas of combat operations against groups designated by the Security Council as terrorist organizations, namely ISIL and the Nusrah Front (now calling itself Jabhat Fath al-Sham). Indiscriminate attacks against civilians and civilian infrastructure, in particular against medical personnel and facilities, and against schools, education staff and schoolchildren, continued to be reported in December, with some such reports being received after the ceasefire went into effect.

13. The reporting period witnessed intense military activity by the Government, focused on the reassertion of authority over the entirety of the city of Aleppo. After an intensive military campaign to retake eastern parts of the city, an agreement was reached through joint Russian-Turkish efforts on 14 December to evacuate fighters and civilians wishing to leave. This came after just over five months of government besiegement, a major offensive in November, during which government forces and their allies took 95 per cent of territory controlled by the armed opposition in the city and occasions on which leaflets were dropped threatening the "annihilation" of those who remained in opposition-controlled areas. Beforehand, there were reports that armed opposition groups were preventing civilians from fleeing from the areas that they controlled. The Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic also registered allegations of torture and execution made by residents fleeing from eastern Aleppo. The evacuation of thousands of individuals from eastern parts of Aleppo to the western countryside began on 15 December, but stalled repeatedly amid reports of convoys coming under fire, evacuation routes being cut off by pro-government militias, individuals being removed from buses leaving eastern Aleppo, summary executions and an additional government demand, not part of the original agreement, that evacuations from eastern Aleppo would be conditional on evacuations from two towns besieged by armed opposition groups: Fu'ah and Kafraya in Idlib governorate. A second agreement was reached on 18 December, resulting in 32,556 fighters and civilians being evacuated from the eastern part of Aleppo to the western countryside and 1,228 individuals being evacuated from Fu'ah and Kafraya to the western part of Aleppo. A convoy of

empty buses en route to these towns to support the evacuations was attacked at a checkpoint by armed opposition groups on 18 December. No further evacuations from Fu'ah and Kafraya have since occurred, nor have they occurred in relation to the government-besieged towns of Madaya and Zabadani, which are the other two towns part of the Four Towns Agreement.

14. A high tempo of military activity continued elsewhere in the country, mostly as a result of attempts by government forces to advance territorially, especially in remaining pockets controlled by the armed opposition around Damascus. Fierce battles were reported in Damascus, after a government offensive on the eastern Ghouta and the strategic area of Wadi Barada, located between the capital and the border with Lebanon. As a result of the fighting in Wadi Barada, 7,000 residents were displaced and water supplies to Damascus and surrounding areas were disrupted from 22 December, leaving more than 5.5 million people with only minimal access to water. Mortar shells were reportedly fired by the armed opposition towards the vicinity of the Russian embassy and United Nations offices in Damascus. Government forces also advanced in Dar'a, while clashes between government forces and armed opposition groups took place in Homs and Hama. Air strikes were reported in Hama, Homs, Idlib and Ladhiqiyah governorates, including on two schools in Idlib. Shelling and missile and mortar attacks were reported in Dar'a, Hama, Idlib and Ladhiqiyah governorates.

15. ISIL lost territory to separate offensives by Turkish-backed armed opposition groups and the YPG-led Syrian Democratic Forces, but gained territory from government forces. ISIL retook the town of Tadmur (Palmyra), Homs governorate, on 11 December. On the same day, the Syrian Democratic Forces declared the beginning of phase II of the operation known as "Wrath of the Euphrates", aimed at seizing Raqqah from ISIL. Over the subsequent weeks, they took control of 97 villages, while air strikes by the United States-led international coalition destroyed four bridges, thereby cutting ISIL supply lines. The Turkish military and armed opposition groups linked to the Turkish military operation known as "Euphrates Shield" continued their offensive to expel ISIL from Bab, north-eastern Aleppo governorate, making some progress. On 14 January 2017, ISIL launched a massive attack on government military installations around the city of Dayr al-Zawr, threating to cut off the city from the military airport, which had been used to supply humanitarian assistance.

16. The delivery of humanitarian assistance proved extremely challenging in many areas of the Syrian Arab Republic. My monthly reports on the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016) provide a more detailed overview of the humanitarian situation on a regular basis.

17. The main focus of the humanitarian response by the United Nations and its partners was on supporting the some 150,000 people displaced from formerly besieged areas of eastern Aleppo. More than 110,000 people registered in government-controlled areas and, between 15 and 22 December, 36,000 people were evacuated to the western Aleppo countryside and Idlib. The United Nations contributed to observing the evacuation of buses and ambulances and provided life-saving assistance to those who were displaced from or who have since returned to eastern Aleppo, in accordance with Security Council resolution 2328 (2016).

18. Access to the millions of people in besieged and hard-to-reach areas remained of critical concern. As a result of delays in the issuance of facilitation letters, requirements for additional government and security approvals above and beyond the two steps agreed to with the Government in April, lack of adherence to agreed-upon protocols at checkpoints and insecurity, only two inter-agency convoys were deployed: one on 16 December, providing assistance to some 6,000 people in Khan al-Shih, Rif Dimashq governorate, and one in January, reaching besieged Mu'addamiyah with multisectoral assistance for some 45,000 people. The Government continued to provide basic services to those areas under its control and in many areas beyond its control.

19. In addition to inter-agency road convoys, the United Nations provided assistance to besieged and hard-to-reach areas through single-agency convoys, airdrops and airlifts. Non-governmental organizations continued to provide medical, education and protection services, as well as some support in other sectors, in hard-to-reach locations under extremely challenging circumstances. From 10 April to the end of December, the United Nations completed 170 airdrops of food commodities and humanitarian assistance over the city of Dayr al-Zawr. In addition, the logistics cluster continued airlifts to Qamishli from Damascus, with 254 airlift rotations having been completed since 9 July as a result of the continued closure of the Nusaybin/Qamishli crossing by the Turkish authorities for security reasons.

20. The removal of life-saving medicines and medical supplies from humanitarian aid convoys continued throughout December. Life-saving and life-sustaining medical items sufficient for 23,207 treatments were removed by government forces from the inter-agency convoy to Khan al-Shih. The situation in the besieged neighbourhood of Wa'r in Homs, the city's last opposition-controlled neighbourhood, is also of great concern. A joint humanitarian assessment undertaken by the United Nations, the International Committee of the Red Cross and the Syrian Arab Red Crescent in Wa'r on 7 December found a need for immediate humanitarian intervention to prevent the people of the neighbourhood from facing acute shortages of basic and life-saving materials and the collapse of the already severely limited medical services. The Office of the United Nations High Commissioner for Human Rights also reported two ground-based strikes on civilian infrastructure in the neighbourhood — an elementary school and a charity working with orphans — during December. There had previously been reports of shelling from Wa'r into other parts of Homs.

21. Under the United Nations inter-agency convoy plan for December, access was requested to 21 locations, including besieged locations, with the aim of reaching 930,250 people. In their response on 1 December, the Syrian authorities approved access to 798,200 of those requested beneficiaries (85.8 per cent). On 19 December, the United Nations submitted to the Ministry of Foreign Affairs the inter-agency convoy plan for January 2017, which comprised 19 requests to reach 914,000 people in need across 21 besieged, hard-to-reach and priority cross-line areas. A response was received on 29 December, authorizing 697,700 beneficiaries (76.3 per cent).

22. During the evacuations from Aleppo, Fu'ah and Kafraya, there were reports of unlawful attacks involving civilians. The United Nations received credible reports of pro-government forces in western Aleppo stopping a 20-bus convoy of

800 people on 16 December. Two fighters and a member of the civil defence were reportedly killed. All valuables, along with identity cards and mobile phones, were removed from the individuals in the convoy. The men were forced to lie face down and insulted and beaten. After approximately four hours, the convoy was allowed to proceed, except for 14 people who were ordered to return to eastern Aleppo, along with the bodies of the three men killed. On 18 December, a convoy of empty buses en route to the besieged towns of Fu'ah and Kafraya was attacked by armed opposition groups at a checkpoint in Sarmin, some 15 km to the south of the towns. The group known as the Soldiers of al-Aqsa said that it had set eight buses alight. A driver who was attempting to escape was killed. Seven other drivers have since reportedly been detained by the Soldiers of al-Aqsa. Ultimately, the evacuations from Fu'ah and Kafraya were initiated, but 15 buses were able to evacuate only 1,226 people from the towns. A total of 23 buses and their drivers that had entered the towns to undertake further evacuations remained stranded inside the besieged area after negotiations broke down and they were not permitted to leave.

23. In blatant disregard for the protected status of medical facilities under international humanitarian law, further articulated by the Security Council in its resolution 2286 (2016), such facilities continued to be damaged or destroyed as a result of fighting. The United Nations and health partners received credible reports of 12 attacks against medical facilities in December, comprising 4 on hospitals (2 in Aleppo, 1 in Dar'a and 1 in Idlib), 2 on primary health-care centres (1 each in Aleppo and Rif Dimashq), 1 on a mobile field hospital (Aleppo) and 5 on ambulances (4 in Rif Dimashq and 1 in Aleppo).

24. Two attacks on education facilities were reported by the United Nations during the reporting period. On 22 December, a school in Atarib, Aleppo, was hit by an air strike and partially damaged. On the same day, sporadic shelling occurred in the city of Dar'a, with a mortar bomb landing near the Kafr Kina governmental school during an afternoon shift run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. One Agency teacher was injured and taken to hospital and the school evacuated. Following the reinstatement of control over eastern Aleppo, the Government reported discovering that schools had been used for military purposes. On 9 January 2017, the municipal authorities in Aleppo announced the partial repair of 17 schools in eastern neighbourhoods, with a total of 3,825 pupils resuming their studies after the holidays.

25. The United Nations Headquarters Board of Inquiry into the attack on a United Nations-Syrian Arab Red Crescent relief operation to Urum al-Kubra on 19 September submitted its report on 16 December. At least 10 individuals died and 22 were injured, 17 trucks were affected and most of the humanitarian supplies carried by the convoy were damaged or destroyed during the attack, with losses to the United Nations country team totalling almost $650,000.

26. The United Nations released to the public a summary on 21 December, which was also brought to the attention of the Security Council (see S/2016/1093). In the public summary, the United Nations stated that, between 1915 and 1945 hours local time on 19 September, the Syrian Arab Red Crescent compound in Urum al-Kubra had been subject to an attack from the air, using multiple types of munitions deployed from more than one aircraft and aircraft type. The munitions used included non-precision unitary bombs and/or smaller blast-incendiary air-to-ground weapons,

which could have been missiles, rockets or sub-munition bomblets. The Board noted that aircraft operating as part of the forces of the international coalition, the Russian Federation and the Syrian air force had the capabilities needed to carry out such an attack. It found that no party had alleged the involvement of international coalition forces aircraft and, accordingly, their involvement was highly unlikely. In addition, it stated that it had received reports that information existed to the effect that the Syrian air force was highly likely to have perpetrated the attack but was unable to draw a definitive conclusion in the absence of access to relevant raw data.

27. Since its establishment, the Independent International Commission of Inquiry on the Syrian Arab Republic has produced reports documenting patterns of human rights violations and abuses, as well as the extent of the crimes committed by the Government, armed opposition groups and terrorist organizations, in particular ISIL.

28. The findings of the Commission of Inquiry indicate that flagrant human rights violations and abuses and violations of international humanitarian law are continuing unabated, aggravated by blatant impunity. Murder, torture, inhuman and degrading treatment, including rape and other forms of sexual violence, together with summary executions, are widely committed by all sides, in particular against persons deprived of their liberty. Government forces, armed opposition groups and terrorist groups have directed attacks against civilians, hospitals, medical personnel, schools and education facilities, which have resulted in thousands of civilian casualties. The parties to the conflict employ sieges and consequent starvation, denial of humanitarian access and other forms of deprivation as instruments of war to force surrender or to extract political concessions. Such acts may constitute violations of the laws of war and customs of law, amounting to war crimes.

29. The Commission of Inquiry has also reported on crimes committed against the Yazidi community, indicating that more than 3,000 women and children are held by ISIL, mostly in the Syrian Arab Republic, where Yazidi women and girls are sexually enslaved, sold in markets and otherwise abused, while Yazidi children are forcibly transferred from their own families, thereby cutting them off from the beliefs and practices of their own religious community and erasing their identity as Yazidis. Young boys are placed with ISIL fighters, indoctrinated and forced to commit crimes, including murder, against members of their own family. According to the Commission, the public statements and conduct of ISIL and its fighters clearly demonstrate that ISIL intended to destroy the Yazidis of Sinjar (Iraq), in whole or in part, and that ISIL may be responsible for genocide.

30. According to the Commission of Inquiry, while initiatives have been taken by the Government to investigate crimes committed in the context of the crisis, it was unable to identify any case of successful prosecution of any military or security force commanders or civilian superiors who bore responsibility for crimes against humanity, war crimes or gross human rights violations committed since March 2011. Similarly, no credible information has been received about armed opposition groups investigating, prosecuting and punishing members alleged to have committed crimes and abuses.

31. The repeated calls for the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court notwithstanding, initiatives in this regard have thus far failed. A lack of accountability at the national and

international levels and a climate of impunity have clearly encouraged the commission of further human rights violations and abuses and violations of international humanitarian law.

III. Recommendations on ways and means to protect civilians in the Syrian Arab Republic

32. The protection of civilians is a significant area of concern in the Syrian Arab Republic, with some 13.5 million people in need of protection and assistance. The large number of civilian deaths and injuries reflects the continuing failure by all parties to the conflict to adhere to the laws of armed conflict, including by launching indiscriminate attacks and flouting the principles of proportionality, precautions in attack and precautions against the effects of attacks. Reports of the use of cluster munitions, incendiary phosphorous munitions, barrel bombs, bunker-busting bombs and chemical weapons in densely populated civilian areas persist. Civilian infrastructure, including hospitals, emergency response facilities and personnel and drinking water, has also reportedly been targeted by air strikes by the Government and allied forces. Civilians, along with those placed hors de combat, are regularly subjected to violence, including murder, cruel treatment and torture, together with extrajudicial executions and other reprisals, as a result of their perceived support for opposition forces. The denial of essential items necessary for the survival of civilians, such as water, medicine and foodstuffs, is regularly used as a tactic of warfare. Conditions are also placed on the delivery of humanitarian assistance and the evacuation of the sick and wounded in violation of the requirement to allow the unimpeded delivery of humanitarian assistance.

33. Human rights are also regularly violated or abused. Civilians are regularly arbitrarily deprived of their liberty without being afforded the right to a fair trial. Many are held for years under such conditions — often while subject to torture or cruel, inhuman or degrading treatment — and some forcibly disappeared.

34. The United Nations has identified additional protection concerns, along with ways and means to address them, which could help civilians to cope with the conflict and its effects. The following is a summary of the main recommendations, as elaborated by the United Nations system. The recommendations are addressed to Member States, in particular the Syrian Arab Republic, and other actors on the ground and those who have clear influence over them.

35. All parties must immediately and strictly abide by the laws of armed conflict. In particular, the launching of indiscriminate attacks and the use of indiscriminate or prohibited weapons must cease. All should refrain from directing attacks on or causing collateral damage to civilians or civilian objects, including medical units and personnel, humanitarian personnel, United Nations premises, humanitarian vehicles and relief supplies and cultural property. Furthermore, military objectives should not be placed in or near densely populated areas. No siege denying items essential for civilian survival should be imposed. It is essential to protect the right to life of fighters who have surrendered, laid down their weapons, are sick or wounded or are otherwise hors de combat. Medical assistance must be provided to all, civilians and fighters alike, without discrimination. Available best practices of notification of the location of civilian infrastructure in order to prevent attacks and

ensure accountability for such attacks should be explored and applied. In addition, Member States that provide support to parties to the conflict should use their influence to seek an immediate end to attacks on civilian areas that kill and maim civilians, including children, and damage and destroy civilian infrastructure, including medical and education facilities.

36. With regard to international human rights law, the Government holds the primary obligation to protect and uphold the human rights of all civilians in the country. It also has a clear obligation not to violate the human rights of civilians in areas over which it does not exert its authority. The behaviour of armed opposition groups should be measured against the basic tenets and principles of international human rights law. All parties to the conflict are thus called upon to respect the right to life of all civilians, to uphold the right to liberty and security of the person, including by refraining from any acts that may constitute arbitrary deprivation of liberty or enforced disappearance, and to ensure that no one is subjected to torture or cruel, inhuman or degrading treatment or punishment. As the human rights duty bearer, the Government has an obligation to ensure that those whom it accuses of criminal offences are afforded a trial that offers all judicial guarantees. No person may be criminally sanctioned for peacefully exercising their freedom of expression, association and assembly. The Government also has an obligation to ensure that any security measures imposed on civilians leaving areas under the control of armed opposition groups strictly comply with international law. There must be no discrimination on the grounds of religion, ethnicity, race, sex, language, social origin or political belief.

37. With regard to identity-based violence and divisive rhetoric, which have increasingly and alarmingly been manifested in the Syrian conflict and continue to be fuelled by outside actors, all civilians, regardless of their religion, community or ethnic affiliation, must be protected. The Government and armed opposition groups, in both areas that they control and those that they do not, have a legal responsibility and obligation, in addition to a clear moral responsibility, to do so. Violence on the basis of religious, communal or ethnic affiliation, in addition to divisive rhetoric, must cease immediately. Both the Government and armed opposition groups, together with their regional and international supporters, must do their utmost to avoid and prevent rifts along ethnic and religious lines. The media has an important role to play in defusing tensions. In addition, intercommunal tensions and their historic root causes should be addressed through political dialogue, while comprehensive community dialogue should be part of any reconciliation process to promote long-term peace and ensure inclusive and participatory politics.

38. With regard to humanitarian access, displacement, freedom of movement and sieges, permanent and unhindered access must be provided to all humanitarian actors by the most practical routes, including across borders, and without conditions, so as to independently assess needs and provide the necessary services to those affected by the crisis, in particular where control over populated areas has recently changed hands. During the provision of aid, due attention should be given to ensuring the presence of female humanitarian staff so as to safeguard its inclusive distribution. Everyone must refrain from committing acts that may violate the prohibition on the forced displacement of civilians unless such displacement is necessary to guarantee their security. In such cases, civilians must be allowed to return home as soon as the conditions necessitating their displacement cease. If the

property of the displaced has been appropriated by others, as has been reported in the formerly besieged town of Darayya, which has since been populated by Iraqi families, all property must be returned to its original owner. It is imperative that the property rights of displaced persons be respected and that displaced persons have the right to voluntarily return, in safety, to their homes or places of habitual residence as soon as is feasible. All efforts must be made to ensure family unity and the protection of vulnerable persons such as women and children during displacement, together with the provision of satisfactory conditions of shelter, hygiene, health, safety and nutrition.

39. Women and girls should not be forced to adhere to measures that may de facto limit their freedom of movement. The use of besiegement should immediately end, thereby allowing freedom of movement — civilian, humanitarian and commercial — and access for medical personnel and supplies, while also ensuring that others in need of assistance are not overlooked on account of political pressure to deliver aid to specific areas. Countries neighbouring the Syrian Arab Republic and beyond are expected to allow all civilians fleeing persecution and war to have access to their territory, realizing that the obligations of States towards such displaced persons begin at their borders.

40. Those arbitrarily detained or abducted should be released immediately, along with vulnerable cases on humanitarian grounds. Those detained hors de combat should be treated humanely, bearing in mind the specific obligation in relation to detained women and children, in addition to the need for special measures to be applied to armed actors seeking to surrender, disarm or defect. The Government should provide neutral and impartial international humanitarian agencies, such as the International Committee of the Red Cross, with immediate and unhindered access to detainees, abductees and detention facilities so that they can monitor the treatment of detainees and the conditions of detention. All detainees must be afforded their human rights; in particular, the Government and other parties to the conflict must meet their obligations to treat detainees humanely and protect them from any form of ill-treatment or torture. They must be informed of the reasons for their detention and be promptly brought before an independent court to review the lawfulness of that detention.

41. With regard to child recruitment, marriage and labour, all Syrian, regional and international actors are strongly urged to end and prevent the recruitment and use of children under 18 years of age in conflict, in both combat and non-combat roles, including for the purpose of sexual exploitation. It is critical that any peace talks include dedicated discussions around specific measures towards this end, with a view to reaching commitments to preventing children from participating in hostilities or being associated with parties to the conflict in other ways, expediting the release of children currently associated with armed forces or groups and ensuring the existence of and facilitating access to services with a view to reintegrating children into civilian life. There should also be an end to practices whereby women and girls are requested to be or are married as forms of payment or negotiation.

42. With regard to sexual and gender-based violence, including conflict-related sexual violence, all parties to the armed conflict that have been listed in my most recent annual report on conflict-related sexual violence (S/2016/361/Rev.1) must

immediately cease the use of sexual violence as a tactic of war or terror. They must make credible, public and time-bound commitments to combating sexual violence and implement specific commitments to undertaking timely investigations of alleged abuses in accordance with Security Council resolution 1960 (2010). All parties to the conflict must take measures to prevent sexual and gender-based violence and ensure that survivors have safe access to the required services, including health and psychosocial care and socioeconomic reintegration and livelihood support, including by making those services available where they do not exist. Provisions should be made for women with children born as a result of wartime rape. Member States receiving displaced persons from the Syrian Arab Republic should give special consideration to survivors of sexual and gender-based violence in their asylum processes.

43. Concerning the threat posed by explosive remnants of war, all parties should allow the clearance of such remnants, safely conduct risk education activities and ensure respect for and the safety of humanitarian staff conducting clearance activities.

44. Given the challenges relating to the loss or absence of civil and property documentation, including in cases of births in places of displacement, efforts are needed to encourage access to such documentation, including remotely and in areas under the control of armed opposition groups, as well as the non-penalization of and non-discrimination against individuals on the basis of the documents that they are able to obtain, such as those issued by government entities or alternative authorities in areas outside government control. Birth registration should be accorded priority. The movement of civilians without documentation should be facilitated in urgent humanitarian cases, and without discrimination on the basis of the type of documents within reach. In addition, safe mechanisms for property restitution should be established for persons returning to those areas to which ceasefire agreements apply and who find their houses occupied.

45. On matters of accountability for crimes involving violations of international law, all parties to the conflict must abide by their obligation to investigate and, if necessary, prosecute any personnel under their command for suspected violations of international law. All parties to the conflict should be reminded that they share the responsibility to comply with their obligations under international law. In addition, all are encouraged to continue efforts to document the conduct of hostilities, including by cooperating with and facilitating the work of the Office of the United Nations High Commissioner for Human Rights, the Independent International Commission of Inquiry on the Syrian Arab Republic and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

IV. Conclusions

46. Resolution 71/130 was adopted amid grave concern among Member States over the situation in the Syrian Arab Republic and against the backdrop of intensifying operations to retake eastern Aleppo. After prolonged divisions on issues relating to the conflict, the latter part of December marked an important moment of

renewed unity in the Security Council, as evidenced by the unanimous adoption of resolutions 2328 (2016), 2332 (2016) and 2336 (2016). It is to be hoped, in the period ahead, that unity can be further extended and deepened, both in the Council and in the region.

47. The announcement, on 29 December, by the Russian Federation and Turkey of an agreement on a nationwide cessation of hostilities between the Government and armed opposition groups is welcome. A comprehensive cessation of hostilities remains the cornerstone of the framework laid down in Security Council resolution 2254 (2015).

48. The United Nations remains concerned, however, about reports of continued armed conflict. Full adherence to the ceasefire agreement by all parties is of crucial importance in saving civilian lives and facilitating the delivery of humanitarian assistance. Those Member States with influence over the parties to the conflict should, therefore, deploy their good offices to ensure respect for the agreement and an end to the fighting.

49. Only a political solution can bring the conflict and the continued suffering of the people in the Syrian Arab Republic to an end. A surge in diplomacy is required. The meeting in Astana resulted in agreement by Iran (Islamic Republic of), the Russian Federation and Turkey to establish a trilateral mechanism to observe and ensure full compliance with the ceasefire. Consolidating the ceasefire and saving Syrian lives is the immediate priority, and the United Nations stands ready to assist in the establishment of the mechanism. The emphasis of the meeting on the ceasefire will help to create a supportive environment for the resumption of intra-Syrian negotiations in Geneva under the auspices of the United Nations. As all participants in the meeting in Astana reaffirmed, and as mandated by the Security Council in its resolutions, the United Nations retains the lead on the mediation process. It will be important to maintain this clarity in order to ensure meaningful negotiations. The only sustainable solution can come through an inclusive and Syrian-led political process based on the Geneva Communiqué of 30 June 2012, as endorsed by the Council in its resolution 2118 (2013) and reiterated in its resolutions 2254 (2015), 2268 (2016) and 2336 (2016), and relevant statements of the International Syria Support Group.

50. The United Nations will spare no effort to help Syrians to determine a path, backed by united international support, to the negotiating table and to move towards a democratic political system, with equal rights for all. The Special Envoy for Syria, in close consultation with the Under-Secretary-General for Political Affairs and with the personal engagement and support of the Secretary-General, is actively preparing the next meeting in Geneva, planned for February 2017. With energies focused on convening intra-Syrian negotiations, it is expected that the Russian Federation and Turkey, as guarantors of the existing ceasefire, as well as other members of the international community, including in the region, will do their utmost to urge the parties to the conflict to engage constructively and genuinely in order to rapidly agree on comprehensive and sustainable results to put an end to the conflict and set the Syrian Arab Republic on a path of genuine and irreversible political transition.

51. Innocent civilians, including women and children, continue to be the primary victims of the vicious vortex of protracted conflict, terrorism and violent extremism. Their protection requires an urgent and more concerted response from the Security

Council and the wider international community. The lack of a sustainable resolution of the conflict has contributed to the proliferation of terrorism and violent extremism in the Syrian Arab Republic and throughout the region. The recent military successes notwithstanding, ISIL and Al-Qaida-related terrorist groups continue to control territory, resources and population centres, undermining Syrian security and stability. Furthermore, the presence of foreign terrorist fighters from around the world, who have no interest in the resolution of the conflict, continues to pose a serious danger, not only to Syrian civilians, but also to people in their home countries and abroad. Effective efforts to combat terrorism require unity of action on the part of the entire international community. In addition, sustainably tackling this scourge requires a political settlement that addresses the root causes of the crisis and the legitimate aspirations of the Syrian people, together with effective accountability measures.

52. The deterioration of the respect for international law relating to the protection of civilians, with increasingly brazen violations during the conflict, has been of grave concern to the United Nations, to the world and to the Secretary-General himself. Violations have been committed by many parties, but none more so than the Government. The Government and its allies have reportedly targeted hospitals, emergency response facilities and personnel, drinking water, food stocks and other civilian infrastructure, often in clear violation of international norms of proportionality. The use of cluster munitions, incendiary phosphorous munitions, barrel bombs, bunker-busting bombs and chemical weapons in densely populated civilian areas is unprecedented in modern times. There are credible reports that thousands of people are being held in detention without due process, in unacceptable conditions and subject to torture on a massive scale. Monitoring mechanisms must be put in place to prevent further abuses, arbitrary detentions and disappearances. It behoves the entire international community to investigate and hold those responsible for such atrocities to account.

53. Member States, all parties to the conflict and civil society are called upon to cooperate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic, so that they may fulfil their respective mandates effectively, and, in particular, to provide them with any information and documentation that they may possess, as well as any other form of assistance pertaining to their mandates. Such support is necessary for the Mechanism to begin to function fully.

54. As Syrians approach the end of the sixth year of the war and devastation in their land, it is critical that efforts be redoubled to help them to end the bloodshed and create a sustainable horizon for rebuilding their lives and peace. In working towards helping Syrians to jointly craft and implement critical nationwide initiatives relating to a cessation of violence, political transition and reconstruction, it is equally pressing to help them to address the multitude of protection concerns that have emerged and continue to affect them in their daily lives.

55. It is hoped that the recommendations on ways and means to protect civilians, described herein at the request of the General Assembly, will be studied and taken on board by Syrian, regional and international actors, with a view to immediate

action thereon. Most urgently, there must be a concerted effort to insist that the parties to the conflict uphold the norms of international humanitarian and human rights law, including by putting an end to the use of besiegement and of indiscriminate weaponry in civilian areas.

56. The Syrian Arab Republic exemplifies the most disconcerting peace and security crisis of current times, the consequences and implications of which are extremely serious for the country, the region and the wider international arena. The Secretary-General is committed to addressing this devastating conflict with determination, constructively and creatively, and stands ready to engage in whichever way he can to contribute personally to finding a sustainable solution to the crisis. An end to the suffering in the Syrian Arab Republic and the stabilization and reconstruction of the country will be achieved only by means of a sustainable political solution that enjoys widespread support among the Syrian people and the international community.